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NESCO

FOLLOWING IS REPEAT PARIS 14227, SENT SECSTATE, INFO BUCHAREST,
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QUOTE C O N F I D E N T I A L PARIS 14227

NESCO

E.O. 11652: GDS
TAGS: OCON, PORG, UNESCO
SUBJECT: UNESCO: 102ND EXBD ITEM 5.6.2: DEBATE
ON PROCEDURES FOR STRENGTHENING UNESCO'S
HUMAN RIGHTS MACHINERY

REFS: (A) PARIS 12953 (NOTAL), (B) PARIS L3295 (NOTAL),
(C) PARIS 12681 (NOTAL), (D) PARIS 13549 (NOTAL),
AND (E) PARIS 13236

BEGIN SUMMARY: THE 102ND EXBD'S MOST LENGTHY AND
POLITICALLY SENSITIVE TWO AND A HALF-DAY DEBATE TO
DATE CONCLUDED ON MAY 12 WITH ADOPTION, BY CONSENSUS,
OF RESOLUTION SETTING UP 13-MEMBER WORKING PARTY
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CHARGED WITH PREPARATION OF SPECIFIC RECOMMENDATIONS
REGARDING UNESCO'S PROCEDURE IN HANDLING HUMAN RIGHTS
COMPLAINTS. DISCUSSION WAS DIRECTED TO SECRETARIAT'S
EXCELLENT DOCUMENT (EX/19) ON PROCEDURES FOLLOWED IN
UN BODIES AND IN THE COMMITTEE ON CONVENTIONS AND
RECOMMENDATIONS IN EDUCATION (CRE) WHICH DEALS WITH
HUMAN RIGHTS COMPLAINTS ADDRESSED TO UNESCO IN THE
FIELDS OF ITS COMPETENCE -- EDUCATION, SCIENCE, CULTURE
AND COMMUNICATIONS. END SUMMARY.

1. AS UNESCO'S COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS IN EDUCATION (CRE) HAS NO FORMAL SET OF RULES AND PROCEDURES ASIDE FROM THOSE WHICH HAVE EMERGED FROM PRACTICE SINCE IT WAS CONSTITUTED BY THE 77TH EXBD (FALL 1967), SECRETARIAT UNDERTOOK IN DOCUMENT EX/19 TO DESCRIBE PROCEDURES WHICH HAVE GROWN OUT OF THIS PRACTICE, AND TO IDENTIFY MORE CLEARLY KINDS OF CASES WHICH WOULD FALL WITHIN CRE'S COMPETENCE. EX/19 ALSO SUGGESTS WAYS IN WHICH TO HANDLE THE "RECEIVABILITY" OF COMMUNICATIONS, DISCUSSES GUIDELINES FOR THE CONSIDERATION OF THESE COMMUNICATIONS, AND HOW TO "SETTLE THE AFFAIR" ONCE CONCLUSION HAS BEEN REACHED.

2. THIRTY-FIVE BOARD MEMBERS WHO SPOKE ADDRESSED REMARKS TO PROCEDURAL QUESTIONS AND DID NOT STRAY TO SUBSTANCE OF HUMAN RIGHTS VIOLATIONS. FACT THAT OTHER AGENDA ITEMS PROVIDED OPPORTUNITY TO GET IN POLITICAL STATEMENTS, I.E. ON CHILE, UNDER ITEM 6.1 (SEE EX/21 AND REFTEL A), PROBABLY HELPED TO KEEP DEBATE ON TRACK.

3. CLEARLY IDENTIFIABLE OUTCOME OF DEBATE WHICH CONCLUDED ON MAY 5 WAS GENERAL AGREEMENT BY ALL SPEAKERS THAT UNESCO HAS A CONSTITUTIONAL ROLE IN FIELD OF HUMAN RIGHTS, AND A MANDATE FROM THE GENCONF FOR MAKING ITS PROCEDURES FOR HANDLING HUMAN RIGHTS "COMMUNICATIONS" MORE EFFECTIVE. IT WAS ALSO GENERALLY CONFIDENTIAL

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AGREED THAT POINTS RAISED IN EX/19, ESPECIALLY PROPOSALS FOR STRENGTHENING CRE'S PROCEDURES, DESERVE FURTHER "IN-DEPTH" STUDY BY SMALL WORKING PARTY OF EXBD MEMBERS WHO WILL REPORT FINDINGS TO EXBD AT ITS 103RD SESSION (102 EX/DR-5).

4. BOARD MEMBERS DIVIDED OVER INTERPRETATION OF EXTENT OF UNESCO'S MANDATE IN HUMAN RIGHTS FIELD. SOVIET BLOC COUNTRIES (EE'S) ARGUED ON SIDE OF A RESTRICTED MANDATE. WHILE THEY AGREED THAT EXISTING CRE PROCEDURES NEED TO BE REVIEWED AND PERHAPS STRENGTHENED, IMPROVEMENTS SHOULD BASICALLY BE LIMITED TO PROCEDURES WHICH, THEY ARGUED, HAVE BEEN WORKING VERY WELL, UPGRADING REPORTING PROCEDURES AND STREAMLINING PROCESSING OF COMPLAINTS. OTHERWISE, THE CRE, THEY ARGUED, HAS BEEN FUNCTIONING VERY WELL AS IT IS.

5. EE POSITION ALSO REAFFIRMED FUNDAMENTAL SOVIET HUMAN RIGHTS POLICY THAT INTERNATIONAL ORGANIZATIONS SHOULD CONSIDER ONLY HUMAN RIGHTS VIOLATIONS, RECOGNIZED BY THE WHOLE INTERNATIONAL COMMUNITY AS "FLAGRANT AND MASSIVE" VIOLATIONS, I.E. CHILE, POLICIES IN THE OCCUPIED TERRITORIES, AND RACISM,

COLONIALISM, AND APARTHEID. ANY DIVIATION FROM THIS "CONSENSUS" APPROACH TO WHAT IS CONSIDERED A VIOLATION OF HUMAN RIGHTS, WOULD BE INFRINGEMENT UPON STATE'S SOVEREIGNTY, AND CONSTITUTE ILLEGAL INTERVENTION IN DOMESTIC AFFAIRS. USSR BOARD MEMBER L. KUTAKOV, FOR EXAMPLE, FLAGGED POSSIBILITY THAT PARAGRAPHS 137-139 OF EX/19 MIGHT BE INVOKED TO CONSTRUE A CIVIL OR CRIMINAL CONDEMNATION AS A "POLITICAL ACT", AND THEREFORE A RECEIVABLE COMPLAINT BEFORE THE CRE.

6. OTHER SPECIFIC SUPPORT FOR STRICT INTERPRETATION OF
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"NON-INTERVENTION" PRINCIPLE CAME FROM PERU, AND FROM VENEZUELA WHOSE BOARD MEMBER SEEMED TO BE RESPONDING TO PIQUE AT US PRESS REVELATIONS DIRECTED AGAINST VENEZUELA EARLIER THIS YEAR. HE ARGUED THAT A STATE "CANNOT BE ATTACKED IN ANY WAY WHICH CHALLENGES IDEOLOGY WHICH UNDERPINS IT" (OBVIOUSLY AN UNTENABLE POSITION IF FOLLOWED TO ITS CONCLUSION).

7. EE'S ALSO REJECTED AS "UNACCEPTABLE" OPTION THAT UNESCO COULD LEND ITS GOOD OFFICES TO PROMOTE CONCILIATION ON BEHALF AN AGGRIEVED PARTY (EX/19 PARA 130). ROMANIA'S LIPATTI ESPECIALLY TOOK UP CUDGEL ON THIS ITEM. HE SAID THAT UNESCO MUST LIMIT POSSIBILITIES FOR ACTION TO "THOSE EXPRESSLY DESCRIBED IN INTERNATIONAL COVENANTS," AND WARNED DG TO RESIST ANY TEMPTATION TO SERVE AS AN INSTRUMENT OF CONCILIATION BETWEEN INDIVIDUALS AND STATES. (WHILE REFLECTING EE'S VIEWS, MATTER MORE GRAVELY CONCERNS ROMANIA OWING TO INTENSE, BUT UNRELATED STRUGGLE BETWEEN DG AND GOR, REPORTED SEPTTEL.)

8. WHILE SUPPORTING A "RESTRICTED" INTERPRETATION OF UNESCO'S MANDATE, EE'S NONETHELESS HAVE ALSO WORKED TO ABORT ANY "UNFAVORABLE" DECISIONS WHICH MIGHT EMERGE FROM THIS DEBATE. FOR EXAMPLE, THE USSR INTRODUCED A RESOLUTION TO CONVENE A WORKING PARTY TO STUDY EX/19, WHICH STIPULATED THAT WORK SHOULD BE CONDUCTED ONLY ON BASIS OF A CONSENSUS. THIS WOULD HAVE PROVIDED SOVIETS WITH A VETO TO USE AGAINST ANY PROPOSALS WHICH DID NOT MEET THEIR APPROVAL, AND THUS THE STRENGTHENING OF THE CRE COULD HAVE BEEN PUT OFF INDEFINITELY. REALIZING THAT THIS RESOLUTION WOULD BE SOUNDLY DEFEATED, THE USSR DID MANAGE TO WORK OUT A "COMPROMISE" WITH AGIOBU-KEMMER (NIGERIA), WHICH, WITH CO-SPONSORS' APPROVAL (INCLUDING US), STATED THAT WORKING PARTY WOULD "TO THE EXTENT POSSIBLE" WORK BY
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CONSENSUS TO REDUCE DIVERGENCES. EE'S, PARTICULARLY USSR, ALSO LOBBIED TO PUT OFF ANY FURTHER MEETINGS OF CRE, PENDING ADOPTION OF NEW PROCEDURES. THEY WERE NOT ABLE TO WORK OUT COMPROMISE ON THIS MATTER, AND RESOLUTION CONSTITUTING WORKING PARTY OF 13 MEMBERS, CHAIRED BY EXBD CHAIRMAN MARTIN, AND INCLUDES US AND USSR, ALSO STATES THAT CRE SHOULD CONTINUE ITS WORK UNTIL NEW PROCEDURES ARE ADOPTED.

9. CUBA, IT SHOULD BE NOTED, DELIVERED UNTYPICALLY BLAND STATEMENT ON HUMAN RIGHTS ITEM, WHICH DID NOT FOLLOW THE EE LINE. IT COMMONLY KNOWN HERE THAT USSR AND CUBAN BOARD MEMBERS DO NOT SHARE THE SAME VIEWS ON THIS ITEM, AS CUBA MORE SUPPORTIVE OF MANDATE WHICH WOULD INCLUDE MORE THAN SIMPLY "MASSIVE AND FLAGRANT" VIOLATIONS. THE PRC, IT SHOULD ALSO BE NOTED, DID NOT JOIN DEBATE ON HUMAN RIGHTS ITEM.

10. VIEWS EXPRESSED BY MAJORITY OF SPEAKERS (INCLUDING US) SUPPORTED POSITIVE ACTION FOR STRENGTHENING UNESCO'S MANDATE IN HUMAN RIGHTS FIELD. THIS "STRENGTHENING" WOULD GO BEYOND IMPROVEMENT OF REPORTING AND PROCESSING PROCEDURES, TO TIGHTENING NET OF UNESCO'S "MORAL AUTHORITY" AROUND ALL VIOLATIONS OF HUMAN RIGHTS WITHIN UNESCO'S COMPETENCE. SPEAKERS FROM LDC'S AS WELL AS THOSE FROM WEO'S EMPHASIZED THE UNIVERSAL AND NON-DISCRIMINATORY NATURE OF UNESCO'S MANDATE FOR RECEIVING COMPLAINTS ON "SPECIFIC CASES" AS WELL AS THOSE RESULTING FROM "FLAGRANT AND MASSIVE" VIOLATIONS, KI-ZERBO (UPPER VOLTA) IN STATEMENT TYPICAL OF MANY INTERVENTIONS, STRONGLY SUPPORTED THIS VIEW, SAYING THAT PRINCIPLE OF "NON-INTERVENTION" IN DOMESTIC AFFAIRS SHOULD NOT BE USED AS EXCUSE TO AVOID RESPONSIBILITIES IN HUMAN RIGHTS FIELD, EITHER IN CASES OF MASSIVE VIOLATIONS OR FOR INDIVIDUALS.

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11. ALL SPEAKERS SHARED VIEW THAT UNESCO CANNOT AND SHOULD NOT ATTEMPT TO ASSUME ROLE OF TRIBUNAL OR COURT. AT SAME TIME, PHILOSOPHICAL AND LEGAL UNDERPINNINGS OF MAJORITY VIEW (PARA 10) ASSERTED THAT GOVERNMENTS WHICH HAVE SIGNED UN CHARTER, AND OTHER HUMAN RIGHTS CONVENTIONS, HAVE OBLIGATION TO RECOGNIZE "EXTRA-NATIONAL" MORAL AND LEGAL AUTHORITY OF INTERNATIONAL COMMUNITY IN HUMAN RIGHTS FIELD. THUS, THESE SPEAKERS GENERALLY ALIGNED THEMSELVES WITH "ACTION ORIENTED" PARAGRAPH (EX/19 PARA. 130) WHICH STATES THAT "PROMOTION OF HUMAN RIGHTS IN UNESCO'S FIELDS OF COMPETENCE COULD ENABLE IT TO ACT BY MEANS OF STUDY,

EXAMINATION, INVESTIGATION, AND CONCILIATION". THIS GOES FAR BEYOND WHAT EE'S HAVE INDICATED THEY COULD COUNTENANCE.

12. ALSO WORTH NOTING IS THAT WHILE MAJORITY OF SPEAKERS FAVORED CONTINUATION OF THE CRE, WITH A MORE PRECISE AND PERHAPS LARGER ROLE, BRAZIL, THE FRG, AND IRAN SUGGESTED CREATION OF A NEW ORGAN ESSENTIALLY AN INDEPENDENT PANEL OF EXPERTS "WHO ARE ABOVE REPROACH", WHICH WOULD TAKE OVER UNESCO'S FUNCTIONS IN HUMAN RIGHTS FIELD. ALTHOUGH THIS PROPOSAL MIGHT GAIN MOMENTUM SOMETIME IN FUTURE, FOR THE MOMENT, BOARD MEMBERS SEEMED QUITE CONTENT TO WORK WITHIN FRAMEWORK OF POSSIBILITIES OFFERED BY THE CRE.

13. BOARD MEMBERS GENERALLY SEEMED PLEASED WITH OUTCOME OF DEBATE, AND WE WOULD SUPPORT GENERAL CONCLUSIONS OF DR. KAREL VASAK (DIRECTOR, HUMAN RIGHTS DIVISION), WHO CHARACTERIZED DEBATE AS BOTH INTERESTING AND FRUITFUL. DR. VASAK SAID THAT PRIOR TO DEBATE, HE WOULD HAVE CONSIDERED EXBD'S WILLINGNESS TO ACCEPT CLARIFICATION OF CRE PROCEDURES A VERY POSITIVE STEP FORWARD, AND MANY MEMBERS SEEMED WILLING TO ADVANCE WELL BEYOND THIS STAGE. PARTICULARLY IMPORTANT, VASAK
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POINTED OUT, IS EXBD'S RECEPTABILITY TO IDEAS ADVANCED IN EX/19, AND DISTINCT POSSIBILITY THAT SOME OF THEM MAY BE ADOPTED AT EITHER THE 103RD OR 104TH EXBDS. NEARLY PARALLEL DISCUSSIONS AT UN, HE ADDED, REQUIRED FIVE YEARS TO COVER MUCH THE SAME GROUND.

14. THROUGHOUT DEBATE AND IN CONCLUDING REMARKS, DG TOOK CARE TO PROJECT IMAGE OF ABSOLUTE NEUTRALITY IN QUESTIONS OF PROCEDURE. HE STRESSED LEGAL AUTHORITY AND MANDATE FOR PRODUCING EX/19, AND REITERATED REPEATEDLY THAT SECRETARIAT HAD SIMPLY PUT FORWARD SOME PROPOSALS, BUT THAT IT WAS FOR THE EXBD ALONE TO CONTINUE, EXPAND, OR CURTAIL DECISION OF 77TH EXBD WHICH CONSTITUTED CRE.

15. AT SAME TIME, DG CLEARLY SEES HIMSELF AS A KEY MOVER IN HUMAN RIGHTS FIELD. HE DOES NOT HESITATE TO UNDERWRITE "EVEN-HANDED" TREATMENT OF ALL HUMAN RIGHTS VIOLATIONS, BUT STILL FINDS THAT "THE CRUX OF THE MATTER", "IS THE CONTINUING FLAGRANT AND MASSIVE VIOLATIONS OF HUMAN RIGHTS", OR, IN OTHER WORDS, RACISM AND APARTHEID. ON ONE HAND M'BOW PRAISED THE SPIRIT OF CONSENSUS ("DERIVED FROM AFRICAN HUMANISM") DURING HIS RESPONSE TO THE DEBATE, AND SAID THAT WHEREVER POSSIBLE, THIS WOULD BE APPLIED TO UNESCO'S ENDEAVORS IN HUMAN RIGHTS FIELD. BUT, HE CONCLUDED, FUNDAMENTAL

PRINCIPLES CANNOT BE COMPROMISED, NOR CAN EXBD DIVERGE FROM PATH SET BY THE GENCONF (THE REFERENCE PERTAINS PARTICULARLY TO 18TH GENCONF RES. 18.1 -- WHICH US OPPOSED -- AND TO 19TH GENCONF RES. 12.1).

16. THE DEBATE ALSO MADE CLEAR THAT THE DG WILL HAVE THE POLITICAL CLOUT TO SHEPHERD THROUGH THE EXBD SECRETARIAT PROPOSALS WHICH WERE OUTLINED IN EX/19. NIGERIA'S AGIOBU-KEMMER, "SPEAKING ON BEHALF OF THE COLLECTIVE VIEWS OF HIS REGION", LINED UP FOUR
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SQUARE BEHIND M'BOW. INDIRECTLY AIMING AT SPEAKERS WHO HAD QUESTIONED SECRETARIAT'S AUTHORITY FOR ADVANCING SOME PROPOSALS FROUND IN EX/19, AGIOBU-KEMMER PROCLAIMED CATAGORICALLY THAT THE DG HAD ACTED WELL WITHIN HIS MANDATE. HE STRONGLY SUPPORTED DG AGAINST LIPATTI (ROMANIA), WHO HAD CHALLENGED DG TO "RESIST TEMPATION" TO USURP AUTHORITY.

17. AGIOBU-KEMMER'S MOST FAR REACHING STATEMENT, HOWEVER, WAS THAT CRE SHOULD "REMAIN FREE FROM POLITICAL INFLUENCE AND (THEREFORE) IN THE HANDS OF THE DG". UNDERSTOOD IN DYNAMIC EVOLVING CONTEXT, THIS PROPOSITION INVITES COMPARISON WITH OUR OWN UNDERSTANDING OF A UNESCO WHICH DURING THE "WESTERN EPOCH", BY OUR OWN DEFINITION, WAS AN ESSENTIALLY "NON-POLITICAL" ORGANIZATION. ONE HAS ONLY TO EXERCISE SOME IMAGINATION TO MERGE AGIOBU-KEMMER'S STATEMENT RAISING DG "ABOVE POLITICS" WITH AN IDENTIFICATION OF THE DG AND SUCH PRINCIPLES AS NIEO, A "NEW WORLD ORDER OF INFORMATION," AND AN "UNCOMPRO-MISING COMMITMENT TO FUNDAMENTAL HUMAN RIGHTS", TO ARRIVE AT THE ENSHROUDING OF M'BOW IN A (NON-POLITICAL) CLOAK OF PURITY OF PURPOSE WHICH WOULD ELEVATE HIM TO SOME SUPRA POLITICAL LEVEL. THIS IS PERHAPS A DIFFERENT VERSION FROM OUR OWN OF THE MORAL AUTHORITY WHICH THE DG HAS ASKED FROM THE GENCONF AND EXBD. NEVERTHELESS, IT SEEMS INCREASINGLY CLEAR THAT THIS IS THE KIND OF AUTHORITY BACKED UP WITH REAL POLITICAL POWER, WHICH THE DG AND THE AFRICAN CAUCUS WILL BRING TO BEAR ON HUMAN RIGHTS ISSUES.

18. WITH RESPECT TO HUMAN RIGHTS DEBATE IN UNESCO AND ELSEWHERE THROUGHOUT THE UN SYSTEM, THE PRESENT POLITICAL AND MORAL FERMENTATION WILL PLACE CONTINUALLY INCREASING PRESSURE ON THE "ORDERING" OF OUR FUNDAMENTAL PRINCIPLES TOWARD RACISM AS ARTICULATED IN
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INTERNATIONAL FORA. THESE ARE THE PRINCIPLES OF
"UNIVERSALITY" OF INTERNATIONAL ORGANIZATIONS JUXTAPOSED
WITH THE PRINCIPLE OF "REPUGNANCE AND OF OPPOSITION TO
RACISM AND APARTHEID". SINCE THE QUESTION OF THE
ORDERING OF THESE MUTUALLY EXCLUSIVE PRINCIPLES (WITH
RESPECT TO DEBATE ON APARTHEID AND RACISM) WAS NOT
BROUGHT TO FLOOR IN DEBATE ON ITEM 5.6.2, WE HAVE FOUND
OURSELVES WITH THE MAJORITY DURING THE 102ND
BOARD SESSION. HOWEVER, WITHIN UNESCO, ATTACHMENT TO
PRINCIPLE OF "OPPOSITION AND REPUGNANCE" IS FAR
STRONGER THAN TO THE MORE ABSTRACT AND MUCH LESS
TACTILE PRINCIPLE OF "UNIVERSALITY". THIS WAS AMPLY
DEMONSTRATED DURING PRESENT SESSION IN DEBATE AND
VOTE ON ITEM 6.3, IN WHICH THE INTERNATIONAL INSTITUTE
OF REFRIGERATION'S (IIR) APPLICATION TO FORMALIZE
RELATIONS WITH UNESCO WAS POSTPONED, OWING TO ITS
SOUTH AFRICAN MEMBERSHIP. THE FINAL VOTE ON THIS
MATTER WHICH MAJORITY OF UNESCO'S MEMBERSHIP CONSIDERED
AN IMPORTANT HUMAN RIGHTS ITEM, WAS 36 FOR, 1 AGAINST
(US), WITH ZERO ABSTENTION.
GAMMON UNQUOTE. CHRISTOPHER

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